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KATURIA D'AMATO
Of Counsel

MEMO ENDORSED

Sent via ECF only

October 7, 2019

Hon. Colleen McMahon
Chief Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St.
New York, NY 10007-1312

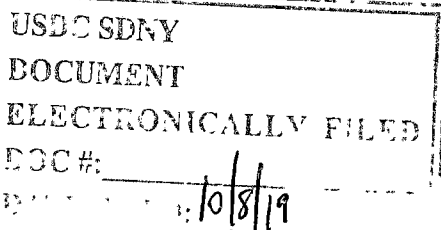
Re: Cummings v. The City of New York, et al
Case No.: 19-cv-07723-CM
Plaintiff's Opposition/Responsive Papers Due: 09/20/2019

Dear Judge McMahon:

My office represents the plaintiff, Patricia Cummings, in connection with the above-referenced action.

We are filing the plaintiff's opposition to the four (4) motions to dismiss made by: (a) the "City" defendants; (b) the defendants Daily News, L.P. (sued herein as New York Daily News) and Ben Chapman; (c) defendants Dr. Andre Perry and The Hechinger Report a/k/a Hechinger Institute On Education And The Media; and (d) defendant Lenard Larry McKelvey a/k/a Charlamagne Tha God, today albeit 10 days after the generous extension granted to the plaintiff to September 27, 2019. However, due to circumstances beyond our control, our office has had malfunctions with our combined photocopier/scanner that rendered the said machine completely inoperable and which took several days before parts could be obtained in order to make the repairs. Further, this delay was exacerbated by my being engaged on a continuing trial in the matter of *People v. D'Amato*, Docket No.: 2018NA017896, in the Nassau County District Court, before the Hon. Tricia Ferrell, together with my Associate Lucia Ciaravino, Esq., being engaged in a continuing Support Hearing in the Nassau County Family Court on the matter of *Alisa Jones v. Michael Jones*, File No. 607346, Docket No(s): F-06794-18/18C and F-06794-18/19D.

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JEAN LAGRASTA
ELLEN LUXMORE
Paralegals

10/8/2019
Counsel, your time can
not wait 10 days go and you feel
to deal with your alleged
cover 35me. I don't
care about your
trial schedule.
You blew this.
Rather than
subject you
malpractice
suit, I will
accept your
papers.
never do so again if
you need an extension ask
but don't assume that
I will grant it

LAW OFFICES OF THOMAS F. LIOTTI, LLC

October 7, 2019

To: Hon. Colleen McMahon, Chief Judge
United States District Court - Southern District of New York

Re: Cummings v. The City of New York, et al
Case No.: 19-cv-07723-CM

We respectfully request that this Court accept the filing of the plaintiff's opposition papers out-of time in the interests of justice and grant the defendants additional time to submit their respective replies to the motions.

As previously represented to the Court, there will be no prejudice to any of the defendants if the Court accepts the plaintiff's opposition papers out-of time. However, the penalty to the plaintiff will be unduly harsh if the extension is denied.

Thanking the Court for its consideration of this request, I am

Respectfully,

A handwritten signature in black ink, appearing to read "Thomas F. Liotti", with a stylized flourish at the end.

Thomas F. Liotti (TL 4471)

jml

cc: Counsel for Appearing Defendants (via ECF)